

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Reed Brodsky
Direct: +1 212.351.5334
Fax: +1 212.351.6235
RBrodsky@gibsondunn.com

September 28, 2017

VIA ECF AND FEDERAL EXPRESS

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Evan Greebel, S1 15 Cr. 637 (KAM)

Dear Judge Matsumoto:

We respectfully submit this letter in connection with the Court's September 30, 2017 Order regarding a written jury questionnaire, and the estimated length of the trial.

The parties have agreed on the language of a four-question written jury questionnaire that is focused on questions relating to hardship, as per the Court's instructions. *See* Ex. A. We propose that the Court use the format attached in Exhibit B. We have expressly redacted the case caption in our proposed format because we are concerned about jurors searching the internet about the case.

In addition, we attach two additional questions designed to address the strong feelings of certain members of the public about Martin Shkreli. *See* Ex. C. We respectfully request that the Court consider them for discussion during the October 6 conference. The government objects to these questions on the grounds that the Court's order was limited only to hardship. If additional language is included, the government proposes asking if jurors had "heard anything about" either Mr. Shkreli or Mr. Greebel and to explain their answer if they had.

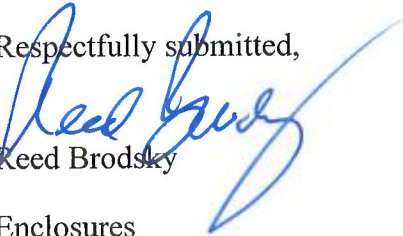
With respect to the Court's request regarding the length of the trial, the government has informed us that they will call approximately 25 of the 89 witnesses on their witness list, that the government estimates the length of its case-in-chief to be 3 weeks, and that the Court should inform the venire that the trial will last approximately 5 weeks. We do not object to this estimate of the length of the trial. For the Court's information, we respectfully note that we are uncertain regarding whether we will put on a case-in-chief and, should we do so, the length of such a case-in-chief. It depends entirely on the approximately 25 witnesses the government expects to call, the received evidence through testimony during both direct and cross-examinations, and the government's exhibits received into evidence. The government agreed to discuss providing us with a shortened witness list on October 6.

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We are enclosing a disk containing the electronic forms of Exhibits A, B, and C for the Court's convenience.

Respectfully submitted,



Reed Brodsky

Enclosures

cc: Alixandra E. Smith, Esq.
David C. Pitluck, Esq.
David K. Kessler, Esq.